



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/548,876	04/13/00	MILLER	J 0-03A

PM82/0705

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EXAMINER

HORTON, Y

ART UNIT

PAPER NUMBER

3635

DATE MAILED: 07/05/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/548,876

Applicant(s)

MILLER ET AL.

Examiner

Yvonne Horton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

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## **DETAILED ACTION**

### ***Information Disclosure Statement***

No Information Disclosure Statement submitted.

### ***Specification***

The abstract of the disclosure is objected to because line 7, which recites "F:\MATTHEW\HARTER\DOCS\0-0A.APP", should be deleted. Correction is required. See MPEP § 608.01(b).

The use of the trademark VELCRO has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

### ***Claim Objections***

Claim 7 is objected to because of the following informalities:

Claim 7, line 2, change from "cover" to "core". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an

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international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

Claims 1, 2 and 12-15 are rejected under 35 U.S.C. 102(e) as being anticipated by US patent 6016637, Styba.

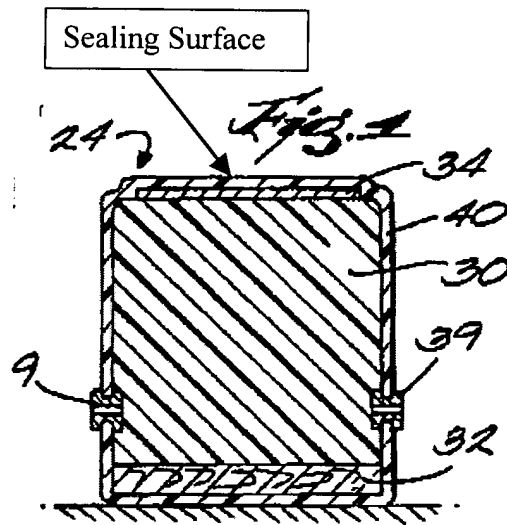
In regards to claim 1, Styba discloses a dock pad (24) adapted to seal against a vehicle parked against the dock pad, comprising a foam core (30); a cover (40) disposed on the foam core; and a heat shield (34) adjacent the cover, wherein the dock pad is adapted to seal against the vehicle by virtue of the foam core being compressible, the cover being pliable, and the heat shield being pliable.

In regards to claim 2, Styba discloses the heat shield being interposed between the cover and the foam core.

In regards to claim 12, Styba discloses a backer (12) attached to the cover and having greater rigidity than the foam core and the cover to provide the foam core and the cover with structural support.

In regards to claim 13, in figure 4 below, Styba discloses a sealing surface and a mounting surface that face away from each other with at least a portion of the heat shield extending substantially parallel to the sealing surface and being closer to the sealing surface than the mounting surface, wherein the sealing surface is adapted to seal against the vehicle and the mounting surface is adapted to be attached to a wall. (See Below).

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In regards to claim 14, Styba discloses the dock pad having an elongated length (20) running substantially horizontally.

In regards to claim 15, Styba discloses the dock pad having an inverted U-shape with one horizontally elongated member (20) and two vertically elongated members (18, 18'), with the heat shield being part of the horizontally elongated member.

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***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-11 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Styba. Styba discloses the claimed invention except for the heat shield having a higher thermal conductivity than the foam core; the heat shield having a higher thermal conductivity than the cover; the heat shield being able to withstand a higher temperature than the foam core and cover; the heat shield having a higher reflectivity than the foam core and cover; the cover having a higher auto ignition point than the foam core; the cover having a lower auto ignition point than the heat shield; and the foam core having a lower auto ignition point than the heat shield. It would have been obvious to one having ordinary skill in the art at the time the invention was made to form the heat shield with a higher thermal conductivity than the foam core; the heat shield with a higher thermal conductivity than the cover; the heat shield being able to withstand a higher temperature than the foam core and cover; the heat shield with a higher reflectivity than the foam core and cover; the cover with a higher auto ignition point than the foam core; the cover with a lower auto ignition point than the heat

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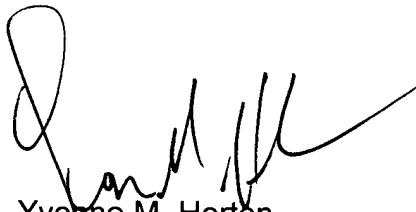
shield; and the foam core with a lower auto ignition point than the heat shield; since the optimization of proportions in a prior art device is a design consideration within the skill of the art.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Styba. Styba discloses the claimed invention except for the heat shield including aluminum. It would have been obvious to one having ordinary skill in the art at the time the invention was made to fabricate the heat shield to include aluminum, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Styba. Styba discloses dock pad, comprising a backer (32); a foam core (30); a cover (40); and a heat shield (34); wherein the foam core is between the backer and a sealing surface (see figure 4 above) of the cover, the heat shield being between the foam core and the sealing surface, the backer being more rigid than the foam core and the cover. Styba does not disclose the heat shield being able withstand a higher temperature than the foam core and the cover. It would have been obvious to one having ordinary skill in the art at the time the invention was made to form the heat shield being able to withstand a higher temperature than the foam core and cover; since the optimization of proportions in a prior art device is a design consideration within the skill of the art.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (703) 308-1909.



Yvonne M. Horton  
Patent Examiner  
Art Unit 3635  
July 2, 2001